United Nations CRC/C/VCT/CO/2-3

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined second and third periodic reports of Saint Vincent and the Grenadines*

I. Introduction

1. The Committee considered the combined second and third periodic reports of Saint Vincent and the Grenadines (CRC/C/VCT/2-3) at its 2181st and 2182nd meetings (see CRC/C/SR.2181 and 2182), held on 26 and 27 January 2017, and adopted the present concluding observations at its 2193rd meeting, held on 3 February 2017.

2. The Committee welcomes the submission of the combined second and third periodic reports of the State party, which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of or accession to international instruments, in particular the accession to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2005 and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2011, as well as the adoption and amendment of a number of new legislative acts and institutional and policy measures related to children's rights since its last review, including the proclamation of the Status of Children Act (2011) and the Children (Care and Adoption) Act (2010). The Committee also welcomes the establishment of the National Child Rights Committee and the improvements made to the birth registration system, which now allows for timely and universal birth registration. It commends the State party for having maintained its basic services at a constant level and for having reduced poverty despite the impact of the global economic crisis and a series of natural disasters.

* Adopted by the Committee at its seventy-fourth session (16 January-3 February 2017).

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III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

The Committee's previous recommendations

4. **The Committee recommends that the State party take all measures necessary to address the recommendations made in 2002 (CRC/C/15/Add.184) that have not yet been implemented or that have not been sufficiently well implemented, in particular those related to independent monitoring (para. 9 (c)), data collection (para. 14), the definition of the child (para. 18), discrimination (para. 20), the best interests of the child (para. 23), respect for the views of the child (para. 25), ill-treatment and other forms of violence (para. 29), the family environment (para. 31), abuse and neglect (para. 39), adolescent health (para. 41), economic exploitation (para. 45), the illicit use of drugs and other substances (para. 51) and the administration of juvenile justice (para. 53).**

Legislation

5. The Committee notes that some progress has been made to harmonize the State party's legislation with the Convention, including through the proclamation of the Children (Care and Adoption) Act (2010) in 2015. However, it is concerned that the process has been slow and that several key pieces of legislation relevant to children, including the Status of Children Act (2011), are not yet fully in line with the Convention.

6. **The Committee recommends that the State party expedite the process of fully harmonizing its legislation with the Convention, in close consultation with children and civil society organizations, and that, in doing so, it seek technical assistance from the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights.**

Comprehensive policy and strategy

7. The Committee welcomes the adoption in 2016 of the national policy framework for the protection of children but is concerned that the framework does not promote the rights of the child.

8. **The Committee recommends that the State party expedite the development of a national policy for promoting the rights of the child.**

Coordination

9. The Committee notes that the National Child Rights Committee was reformed in 2016 so as to provide regulatory oversight of the implementation of the Convention. However, it is not clear whether that body has a clear mandate and sufficient authority to coordinate the implementation of the Convention across different government ministries.

10. **The Committee recommends that the State party strengthen its coordination efforts to implement the Convention, including through a coordination body with a clear mandate and sufficient technical, human and financial resources to operate effectively.**

Allocation of resources

11. The Committee notes that in 2015 the State party adopted a performance budgeting structure that made it possible to disaggregate budgetary allocations for child development and protection. Nevertheless, it is concerned that:

(a) The budget lines relating to the areas of child development and protection are insufficiently disaggregated;

(b) Measures to ensure the allocation of funds for the development and protection of children in vulnerable situations, even in situations of crisis, are lacking.

12. **With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party set up a budgeting process that includes a child rights perspective, that specifies clear allocations to children in all relevant sectors and agencies and that includes specific indicators and a tracking system to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated for the implementation of the Convention, including by:**

(a) **Setting performance targets linking child-related programme goals to budget allocations and actual expenditures, to allow for monitoring of the outcomes and of the impact on children, including those in vulnerable situations;**

(b) **Developing detailed budget lines and codes for all planned, enacted, revised and actual expenditures that directly affect children;**

(c) **Ensuring transparent and participatory budgeting through public dialogue, especially with children;**

(d) **Defining budgetary lines for children in disadvantaged or vulnerable situations who may require affirmative social measures and ensuring that those lines are maintained even in situations of economic crisis, natural disaster or other emergency;**

(e) **Seek technical assistance from UNICEF in that regard.**

Data collection

13. **The Committee reiterates its previous concluding observations (see CRC/C/15/Add.184, para. 14) and urges the State party to:**

(a) **Establish an effective mechanism for the systematic collection of disaggregated quantitative and qualitative data incorporating all the areas covered by the Convention and covering all children below the age of 18 years;**

(b) **Make use of indicators and data in the formulation of policies and programmes for the effective implementation of the Convention;**

(c) **Seek technical assistance from UNICEF, among others.**

Independent monitoring

14. The Committee notes that the National Child Rights Committee can receive complaints from children with regard to violations of their rights. Nevertheless, it is concerned that the structure of that Committee does not guarantee its independence when carrying out monitoring activities.

15. **The Committee recommends that the State party establish an independent structure, in line with its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child and in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), to monitor children's rights, to receive complaints of violations of children's rights and to address them in a child-sensitive manner.**

Children's rights and the business sector

16. The Committee is concerned at the lack of regulations and procedures to protect children from exploitation in the tourism sector.

17. **In the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party examine and adapt its legislative framework to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the State party's territory, especially in the tourism sector, in relation to the sale and sexual and labour exploitation of and trafficking in children.**

B. Definition of the child (art. 1)

18. The Committee is seriously concerned that the age of marriage under the Marriage Act (1926) is 15 years for girls and 16 years for boys.

19. **The Committee urges the State party to expeditiously take measures to amend the Marriage Act (1926) to raise the minimum age of marriage to 18 years for girls and boys, as part of the ongoing process of harmonizing national legislation with the Convention.**

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

20. The Committee notes that the Status of Children Act (2011) eliminated provisions discriminating against children born out of wedlock in matters of inheritance. However, it is concerned that the legislation of the State party does not fully reflect the provisions of article 2 of the Convention. It is also concerned about reports of discrimination against the following groups of children:

(a) Children with disabilities, including children with intellectual and psychosocial disabilities;

(b) Children living with or affected by HIV/AIDS.

21. **The Committee recommends that the State party:**

(a) **Amend its legislation to ensure that it corresponds fully with the provisions of article 2 of the Convention and to ensure the full implementation of non-discriminatory provisions;**

(b) **Adopt legislation to ensure the provision of the services necessary for the realization of substantive equality for and the protection of the rights of children with all types of disabilities, such as physical, sensory, intellectual and psychosocial disabilities, including the provision of reasonable accommodation so that they can lead an autonomous life in the community and access inclusive education;**

(c) **Conduct awareness-raising campaigns directed at children and adolescents, the general public and professionals working with children to provide accurate information on HIV/AIDS and to eliminate stigma and discrimination against children living with or affected by HIV/AIDS.**

22. The Committee is also concerned at de jure and de facto discrimination against lesbian, gay and bisexual children, in particular the criminalization of consensual same-sex conduct between men under the Criminal Code (1990), which may penalize boys above 16 years of age for same-sex sexual activity. It is also concerned about the perception, reflected in policies and practices, that lesbian, gay and bisexual children have a psychosocial disorder.

23. **The Committee recommends that the State party repeal the legal provisions criminalizing same-sex conduct between males above 16 years of age, that it raise public awareness of the equality of and the importance of not discriminating against lesbian, gay and bisexual people and that it fully respect the diversity of children's sexual orientation.**

Best interests of the child

24. The Committee welcomes the explicit recognition in the Children (Care and Adoption) Act (2010) of the right of the child to have his or her best interests taken as a primary consideration and the commitment made by the delegation during the dialogue to harmonize all relevant national legislation with the Convention during 2017. However, it remains concerned that the term used in other pieces of legislation is "welfare of the child", which does not fully correspond with the best interests of the child, and that children's right

to having their best interests taken as a primary consideration is not fully implemented in decisions affecting them, including in the areas of education and health.

25. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:**

(a) **Expedite the inclusion of that right in all relevant legislation, as part of the ongoing harmonization process;**

(b) **Consistently interpret and apply that right in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children, including in the areas of education and health;**

(c) **Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration.**

Right to life, survival and development

26. The Committee is deeply concerned that the law allows children who are 16 and 17 years old to be sentenced to death.

27. **The Committee urges the State party to amend the Criminal Code to explicitly prohibit the sentencing of persons under 18 years of age to the death penalty.**

Respect for the views of the child

28. The Committee notes with appreciation that the Children (Care and Adoption) Act (2010) explicitly includes the right of children to express their views. The Committee also notes that, during the dialogue, the delegation said that the National Youth Parliament programme would be implemented. However, it is concerned that:

(a) There are no procedures or protocols in place to ensure respect for the views of the child in administrative and judicial proceedings;

(b) There is no structure or programme to ensure that children are involved in regular and systematic consultations in public decision-making.

29. **With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Fully inform all children of their rights under the Convention with a view to allowing them to express their views and facilitating their informed decision-making;**

(b) **Ensure that children's views are given due consideration in courts, schools, relevant administrative and other processes concerning children and in the home through, inter alia, the adoption of appropriate legislation, the training of professionals working with and for children, and the development of operational procedures or protocols for such professionals to ensure respect for the views of children in administrative and judicial proceedings;**

(c) **Allocate sufficient technical, human and financial resources to the effective functioning of the National Youth Parliament programme and ensure that the outcome of the programme is systematically fed into public decision-making;**

(d) **Ensure the inclusive participation of children in the National Youth Parliament, including of children living outside Saint Vincent, children with disabilities and children affected by HIV/AIDS.**

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Torture and other cruel, inhuman or degrading treatment or punishment

30. The Committee remains concerned about complaints by children of being subjected to police brutality.

31. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals on ending all forms of violence against children, the Committee urges the State party to:**

(a) **Prohibit the use of torture and other cruel, inhuman or degrading treatment or punishment by the police against children;**

(b) **Ensure the availability of complaint mechanisms;**

(c) **Prosecute alleged perpetrators and punish those convicted;**

(d) **Provide effective remedies and necessary support to child victims.**

Corporal punishment

32. The Committee remains deeply concerned that corporal punishment is legally permitted and widely practised in all settings.

33. **With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:**

(a) **Explicitly prohibit, through legislative and administrative provisions, the use of corporal punishment in all settings, namely in schools, childcare institutions, including early childhood care institutions, alternative care settings, in the home and in the administration of justice;**

(b) **Raise the awareness of parents, professionals working with children and the public in general to the harm caused by corporal punishment and promote positive, non-violent and participatory forms of child-rearing and discipline;**

(c) **Seek technical assistance from UNICEF in that regard, including on the child-friendly school programme.**

Abuse and neglect

34. The Committee is concerned at:

(a) The persistently high prevalence of child abuse, including neglect and physical, sexual and emotional abuse and incest in the State party;

(b) The low rate of prosecution and conviction for the crime of sexual abuse of children, including incest.

35. **With reference to its general comment No. 13 and taking note of target 16.2 of the Sustainable Development Goals on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:**

(a) **Expedite the adoption of the child abuse protocols dealing with the reporting of, response to and treatment of child abuse and neglect;**

(b) **Continue awareness-raising and education programmes, including campaigns, and encourage community-based programmes aimed at preventing and addressing domestic violence, child abuse and neglect, including by involving former victims, volunteers and community members and providing them with training and support;**

(c) **Ensure the availability and accessibility of complaints mechanisms;**

(d) **Proactively investigate cases of violence against children, in particular the sexual abuse of children, including incest, prosecute perpetrators and, if convicted, punish them with appropriate sanctions;**

(e) **Ensure the allocation of adequate human, technical and financial resources to the Directorate of Family Service and the Family Court necessary for the effective implementation and adjudication of the laws relevant to the prevention of and protection from child abuse and neglect, in particular the Children (Care and Adoption) Act (2010);**

(f) **Ensure that all professionals and staff working with and for children are provided with the necessary training, and provide systematic training to judges, prosecutors, the police and other law enforcement officers on how to prevent and monitor domestic violence, child abuse and neglect, and to receive, investigate and prosecute complaints about such violence in a child- and gender-sensitive manner;**

(g) **Provide child victims of violence, abuse and neglect and their families with effective remedies and the necessary support, including recovery and social reintegration assistance;**

(h) **Continue seeking technical assistance from UNICEF in this regard.**

Sexual exploitation

36. The Committee is concerned that:

(a) Child prostitution is frequently justified by families and child victims themselves as a mechanism for coping with poverty;

(b) There are no standards and procedures for prohibiting child pornography;

(c) Legal defence arguments based on the belief that the victim was over 15 years of age result in impunity for the perpetrators of sexual offences.

37. **The Committee recommends that the State party:**

(a) **Develop an effective and comprehensive policy for preventing the sexual exploitation of children, including through child pornography, and for promoting the recovery and social reintegration of child victims, taking into consideration the root causes that place children at risk of such exploitation;**

(b) **Abolish the provision of the Criminal Code allowing for legal defence arguments to be based on the belief that the victim is over 15 years of age;**

(c) **Conduct awareness-raising and education programmes, including campaigns, aimed at preventing and responding to the sexual exploitation of children, targeting parents, children and community members.**

E. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))

Family environment

38. The Committee is concerned:

(a) That many families are headed by single mothers, that fathers often fail to provide maintenance and other support and that there is no effective mechanism for the recovery of child maintenance payments in States other than those that are members of the Caribbean Community (CARICOM);

(b) That the Maintenance Act obliges parents to provide maintenance for their children only until they are 16 years of age;

(c) That many children are left in the care of family members or other persons by parents migrating abroad.

39. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to secure child maintenance payments in adequate amounts and extend the obligation of parents to make such payments for children up to the age of 18 years;**

(b) **Undertake a comprehensive study on all the ways in which the migration of parents affects children left behind in the country and the role of child protection and social protection systems in providing services for children affected by migration;**

(c) **Take all measures necessary to ensure the recovery of maintenance payments from abroad, including from States not members of CARICOM, by entering into bilateral agreements with those States where most migrant workers from Saint Vincent and the Grenadines are employed;**

(d) **Consider ratifying the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, the Hague Protocol of 23 November 2007 on the Convention on the Law Applicable to Maintenance Obligations and the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.**

Children deprived of a family environment

40. The Committee is concerned that there are not enough social workers and other human resources for the implementation of the newly proclaimed Children (Care and Adoption) Act (2010).

41. **The Committee recommends that the State party take measures to secure a sufficient number of social workers and other personnel for the full and effective implementation of the Children (Care and Adoption) Act (2010).**

Adoption

42. **The Committee recommends that the State party consider ratifying the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.**

F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)

Children with disabilities

43. The Committee is concerned:

(a) That limited information and data on children with disabilities are available and that the general public is not sufficiently aware of the existence of children with disabilities and of their rights, which may undermine efforts to identify disabilities early on and to intervene in a timely and effective manner;

(b) That children with disabilities are not included, as a matter of policy, into regular classes in regular schools, that many of them remain out of school and that an insufficient number of teachers have the skills needed to provide an inclusive education;

(c) That children with disabilities do not have access to public transport and public buildings owing to the existence of physical barriers;

(d) That the Immigration (Restriction) Act uses derogatory terminology in respect of persons with disabilities and that foreign children with disabilities may be denied entry into the State party on the ground of their disabilities, including in cases of family reunification.

44. With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to:

(a) Adopt a human rights-based approach to disability;

(b) Set up a comprehensive strategy for the inclusion of children with disabilities, including those with physical, sensory, intellectual and psychosocial disabilities;

(c) Collect disaggregated data on children with disabilities;

(d) Develop an efficient system for detecting disability at an early stage, in order to provide the support and the services necessary for the fullest possible social integration and individual development of children with disabilities;

(e) Ensure that laws, policies and programmes, including the education development plan, prioritize inclusive education over the placement of children in specialized institutions and classes;

(f) Train and raise the awareness of all teachers and other professionals on inclusive education and encourage the hiring of teachers with disabilities;

(g) Ensure that children with disabilities have access to public transportation and public buildings, including all schools and hospitals;

(h) Revise the Immigration (Restriction) Act to eliminate derogatory terminology on persons with disabilities and abolish the denial of entry into the State party on the ground of disability;

(i) Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.

Adolescent health

45. The Committee is concerned about:

(a) The high rate of pregnancy and HIV infection among adolescents;

(b) The fact that, as a result of social attitudes and cultural norms, adolescents have limited access to contraceptives;

(c) The existence of restrictive laws and practices on abortion that lead adolescent girls to resort to unsafe, clandestine, abortions, which in turn results in increased morbidity.

46. With reference to its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:

(a) Adopt a comprehensive gender-sensitive sexual and reproductive health policy for adolescents in which it is recognized that unequal access by adolescents to such information, commodities and services amounts to discrimination;

(b) Provide free, confidential, adolescent-responsive and non-discriminatory sexual and reproductive health services, information and education, available both online and in person, paying special attention to preventing early pregnancy and sexually transmitted infections;

(c) Ensure that sexual and reproductive health education is part of the mandatory school curriculum and is directed at adolescent girls and boys;

(d) Provide adolescents with easy access to contraceptives;

(e) Ensure that adolescents have access to confidential HIV testing and counselling services and to evidence-based HIV prevention and treatment programmes provided by trained personnel who fully respect the rights of adolescents to privacy and non-discrimination;

(f) **Continue its efforts to make health professionals more aware of the right to health of adolescents and build their capacity to deliver adolescent-responsive and non-discriminatory health services;**

(g) **Decriminalize abortion to ensure that girls have access to safe abortion and post-abortion services, review legislation with a view to safeguarding the best interests of pregnant adolescents and ensure that their views are always heard and given due consideration in abortion-related decisions.**

Drug and substance abuse

47. The Committee is concerned that drug and substance abuse and related violence remain a problem in the society. It is further concerned that:

(a) There is insufficient support for children who abuse substances;

(b) Children who use illicit drugs and substances are subject to excessively punitive and repressive measures.

48. **With reference to its general comments No. 4 and No. 20, the Committee recommends that the State party:**

(a) **Intensify its programmes on child substance abuse to ensure children's access to adequate support for prevention, treatment, consultation, rehabilitation and social reintegration;**

(b) **Consider alternatives to punitive or repressive drug control policies in relation to adolescents.**

Nutrition

49. The Committee notes that child undernutrition in the State party is declining. However, it is concerned that a large number of children in the State party face food insecurity. It is also concerned about the high rate of obesity among children and the lack of information on breastfeeding.

50. **The Committee recommends that the State party:**

(a) **Continue its efforts to reduce child malnutrition, including child overnutrition, and child food insecurity, including through its Zero Hunger initiative;**

(b) **Collect information on breastfeeding; develop a national programme for the protection, promotion and support of the decision to breastfeed exclusively for a minimum of six months; fully implement the International Code of Marketing of Breast-milk Substitutes; provide appropriate support to mothers and babies through counselling in hospitals, clinics and the community at large; implement the baby-friendly hospital initiative throughout the country; and raise awareness of the importance of breastfeeding among families and the general public and on the role they can play in supporting breastfeeding through comprehensive campaigns;**

(c) **Ensure the active participation of children in developing, implementing and monitoring policies and plans on food and nutrition security;**

(d) **Seek technical assistance from UNICEF and the Food and Agriculture Organization of the United Nations in that regard.**

Impact of climate change on the rights of the child

51. **Noting that the State party is prone to natural disasters, and drawing attention to target 1.5 of the Sustainable Development Goals on building the resilience of the poor and those in vulnerable situations by 2030 so as to reduce their vulnerability to extreme climate-related events, economic, social and environmental shocks and disasters, the Committee recommends that the State party:**

(a) **Identify, including through the collection of disaggregated data, the types of risks children would face in the event of a variety of natural disasters;**

(b) **Ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account in developing policies or programmes addressing the issues of climate change and disaster risk management;**

(c) **Seek bilateral, multilateral, regional and international cooperation in the areas of disaster risk reduction, mitigation and adaptation to the effects of climate change.**

Standard of living

52. The Committee notes the reduction of poverty and the improved level of basic social services in the State party, despite the impact of the global economic crisis and of a series of natural disasters. However, it is concerned that:

(a) Child poverty remains a major challenge in the State party, in particular in rural areas;

(b) The data necessary for understanding the situation and causes of child poverty remain scarce.

53. **Drawing attention to target 1.2 of the Sustainable Development Goals, on reducing by 2030 at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions, the Committee recommends that the State party:**

(a) **Collect comprehensive and disaggregated data on child poverty and actively utilize such data in policymaking and in monitoring the implementation of policies and programmes relevant to poverty reduction;**

(b) **Actively consult with and involve children, including those living in and at risk of poverty and those living in rural areas, as well as their families, in developing, evaluating and monitoring the implementation of policies and programmes relevant to poverty reduction, social protection and development, in order to ensure that such policies and programmes effectively respond to the needs of children living in poverty;**

(c) **Consider developing a national strategy or action plan on poverty reduction and development that specifically addresses the realization of the rights of all children, in particular those living in rural areas.**

G. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

54. The Committee welcomes the substantial efforts made under the "education revolution", including the proclamation of the Education Act (2006) in 2015, which established universal access to primary and secondary education for children between 5 and 16 years of age, and the provision of early childhood education and care to the majority of children between 3 and 5 years of age. However, the Committee is concerned that:

(a) The hidden costs of education, such as those linked to books and specialized services, are undermining access to education, including compulsory education, by children living in poverty;

(b) Girls drop out of school or choose an alternative education owing to pregnancy;

(c) Many children are not equipped to access gainful work or to enrol themselves for higher education after they have completed their primary and secondary education owing to the low quality of education and the inability of primary and secondary education to adapt to the needs of changing societies and communities.

55. **In the light of its general comment No. 1 (2001) on the aims of education, and taking note of targets 4.1 and 4.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(c) **Take measures to reduce the burden on vulnerable families caused by the hidden costs of their children's education;**

(d) **Strengthen efforts to keep pregnant girls in the mainstream school system and reintegrate pregnant girls and young mothers into the mainstream school system by providing support services such as appropriate sexual and reproductive health services, counselling in parenting skills and adequate childcare facilities;**

(e) **Improve the quality of education at all levels, including through a review of the curriculum and continuous training opportunities for teaching staff, in order to make education relevant to children's social, cultural, environmental and economic context and to their present and future needs and to equip all children with essential life skills.**

Rest, leisure, recreation and cultural and artistic activities

56. **With reference to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party promote cultural activities through extracurricular and other cultural programmes in the community for children, as well as occasions to enjoy cultural practices and arts of diverse ethnic groups, in particular those living outside of Saint Vincent, and make available safe public places in which all children can play.**

H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)

Asylum-seeking and refugee children

57. The Committee notes the State party's cooperation with the Office of the United Nations High Commissioner for Refugees on the temporary acceptance of asylum seekers and refugees, as well as on Caribbean-level responses to the mixed migration flow. The Committee also notes that there is no official record of refugee children in the State party. However, it is concerned that the State party has not adopted national asylum and refugee legislation nor an effective refugee status determination mechanism and treats asylum seekers and refugees as migrants.

58. **The Committee recommends that the State party adopt national legislation and procedures on asylum and refugee status in line with the 1951 Convention relating to the Status of Refugees, which the State party ratified.**

Economic exploitation, including child labour

59. The Committee welcomes the ratification of the Minimum Age Convention, 1973 (No. 138), of the International Labour Organization by the State party on 25 July 2006. However, the Committee is concerned that:

(a) There is a lack of data on child labour;

(b) The legal minimum age for admission to employment is set at 14 years, which is below the age of completion of compulsory schooling (16 years);

(c) Some children reportedly engage in hazardous work, including in the agricultural sector, the commercial sex industry and the illicit trade in drugs;

(d) There is no legal prohibition on the employment of children below 18 years of age in hazardous work, except for certain night work in industry.

60. **The Committee recommends that the State party:**

(a) **Undertake a survey to assess the scope and nature of child labour in all sectors;**

(b) **As part of the ongoing process of harmonizing national law with the Convention, raise the minimum age for employment or work to 16 years, in order to harmonize it with the age of completion of compulsory schooling;**

(c) **Enact or amend legislation to prohibit the employment in hazardous work of children below 18 years of age and to determine the types of work that are hazardous and that are to be prohibited for children under 18 years of age;**

(d) **Seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office in that regard.**

Children in street situations

61. **The Committee recommends that the State party:**

(a) **Update the study conducted in 2008 and regularly collect disaggregated data on children in street situations, and, based on the outcome of the study and the data collected, develop a national strategy for recovering and reintegrating children in street situations, for providing support to families of such children and their communities and for preventing children from living and working in the street;**

(b) **Take all measures necessary to ensure that children in street situations are provided with care, adequate food, clothing, health care and educational opportunities;**

(c) **Ensure that interventions made for and that the support provided to children in street situations, including reintegration with family or placement in alternative care, are provided with full respect for the child's best interests and giving due weight to their autonomous views in accordance with their age and maturity.**

Sale, trafficking and abduction

62. The Committee welcomes the national anti-trafficking action plan. However, it is concerned that:

(a) The State party remains a country of origin, transit and destination for trafficking in persons, including children, for the purpose of sexual exploitation and forced labour, primarily in agriculture;

(b) The implementation of the Prevention of Trafficking in Persons Act (2011) and the corresponding national plan have been weak, resulting in very few victims of trafficking being identified and very few perpetrators of trafficking being investigated, prosecuted and convicted;

(c) The protection and specialized services for child victims of trafficking anticipated in the Act have not yet been provided;

(d) Reportedly, foreign victims of trafficking have not been rigorously protected, as envisaged in the Act, against deportation to countries where they face hardship or retribution.

63. **The Committee recommends that the State party:**

(a) **Strengthen the effective implementation of the Prevention of Trafficking in Persons Act (2011), in particular by ensuring that victims are identified and perpetrators are held accountable;**

(b) **Ensure effective provision of referral and other services to child victims, including by developing detailed guidelines on the protection of child victims, raising awareness and building the capacity of immigration and law enforcement officials, social workers, labour inspectors, members of the judiciary and civil society organizations;**

(c) **Apply the principle of non-refoulement to countries where foreign victims face hardship or retribution, and provide child victims of trafficking with the opportunity to apply for asylum and enjoy the corresponding rights and services.**

Administration of juvenile justice

64. The Committee notes that laws on the administration of juvenile justice are currently being revised and that such revision is expected to be completed in 2018. The Committee is nonetheless concerned that:

(a) The age of criminal responsibility, fixed at 8 years of age, remains extremely low and children who are 16 and 17 years old are treated as adults in the criminal justice system;

(b) Children who are 16 and 17 years old can be sentenced to an indeterminate period of detention at "Her Majesty's pleasure" under section 24 (2) of the current Criminal Code, although it was clarified during the dialogue that this is no longer the case;

(c) The Corporal Punishment of Juveniles Act has not been amended and allows the caning of children who have been found guilty of a crime;

(d) There is no legal provision to guarantee that the deprivation of liberty of children is used only as a measure of last resort and for the shortest possible period of time, and children are detained in the same detention facilities as adults in an inappropriate condition;

(e) Children in conflict with the law who live outside Saint Vincent have less access to the juvenile justice system than those in Saint Vincent, as the Juvenile Court, an entity of the Family Court, is based in Saint Vincent and only occasionally goes to other islands;

(f) There is no public legal assistance for children in conflict with the law, leaving children from disadvantaged backgrounds without such support;

(g) The restorative judicial measures for children have not been put in place;

(h) Children in need of protection are in some cases housed in the same detention facilities as children in conflict with the law.

65. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards through the ongoing harmonization process. In particular, the Committee urges the State party to:**

(a) **Facilitate the adoption by Parliament of the Child Justice Bill (a model bill of the Organization of Eastern Caribbean States), which defines children as persons under 18 years of age and sets the minimum age for criminal responsibility at 12 years;**

(b) **Enact legislation explicitly prohibiting life imprisonment without release or parole and corporal punishment as a sentence for any offence committed while the offender was under 18 years of age and regularly review the sentences imposed on children under 18 years of age for early release;**

(c) **Ensure that detention is used as a measure of last resort and for the shortest possible period of time and that the provision allowing for such a measure to be taken is reviewed on a regular basis with a view to withdrawing it, and promote alternative measures to detention, such as diversion, probation, mediation, counselling and community service, wherever possible;**

(d) **In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services;**

(e) **Improve access to juvenile justice outside of Saint Vincent, including through training magistrates on other islands on juvenile justice;**

(f) **Provide qualified and independent legal aid to children in conflict with the law at an early stage and throughout the legal proceedings;**

(g) **Introduce restorative justice measures for children;**

(b) Ensure that children in need of protection are not housed together with children in conflict with the law.

I. Ratification of the Optional Protocol to the Convention on a communications procedure

66. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on a communications procedure.

J. Ratification of international human rights instruments

67. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, the reports of which are both overdue as of January 2017.

K. Cooperation with regional bodies

68. The Committee recommends that the State party cooperate with the Organization of American States (OAS) and CARICOM on the implementation of the Convention and other human rights instruments, both in the State party and in other OAS and CARICOM member States.

IV. Implementation and reporting

A. Follow-up and dissemination

69. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined second and third periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. Next report

70. The Committee invites the State party to submit its combined third to sixth periodic reports by 24 May 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

71. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.